

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:)	
)	Before The Examiner
Thomas A. Zdeblick, et al.)	
)	Not Assigned
Ser. No. Not Assigned)	
)	Art Unit Unassigned
Filed Herewith)	
)	Atty Docket No. 4002-2954/PC393.06
)	
ARTIFICIAL DISC IMPLANT)	February 28, 2002

PRELIMINARY AMENDMENT

As a Preliminary Amendment to the above-identified U. S. Patent Application, which is a divisional of U.S. Patent Application Serial No. 09/586,308 filed June 2, 2000, please enter the following. Please charge any fees due or credit any overpayment to Deposit Account No. 23-3030, but not to include any payment of issue fees.

III. Express Mail Label No EL91700061945 Date of Deposit February 28, 2002
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR §1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, DC 20231.
Patricia E. Allgood
Signature of person mailing paper or fee

IN THE SPECIFICATION:

Please replace the paragraph on page 1 under the heading "Cross-Reference to Related Applications" with the following:

-- The present application is a divisional application of U.S. Patent Application Serial No. 09/586,308 filed on June 2, 2000, entitled ARTIFICIAL DISC IMPLANT, which claims the benefit of the filing date of Provisional Application Serial No. 60/137,586 filed June 4, 1999, entitled ARTIFICIAL DISC REPLACEMENT. The referenced applications are incorporated herein by reference in their entirety. --

IN THE CLAIMS:

Please cancel claims 1-42 without prejudice and before calculation of the filing fee.

Please add new claims 54-62 as follows:

-- 54. A method for inserting an artificial disc implant into a spinal disc space, comprising:

- accessing the disc space;
- inserting a sleeve adjacent the disc space, the sleeve having a working channel extending between a proximal end and a distal end;
- preparing an implant insertion location in the disc space through the sleeve;
- providing an implant having an upper shell, a lower shell, and a spacer between the upper shell and the lower shell;
- reducing the height of the implant between the upper and lower shells;

inserting the reduced height implant through the working channel of the sleeve to the implant insertion location in the disc space; and

expanding the reduced height implant in the disc space so that the upper shell and the lower shell engage adjacent vertebral endplates.

55. The method of claim 54, wherein providing an implant includes providing the implant with a substantially cylindrical shape.

56. The method of claim 55, wherein:
accessing the disc space includes accessing the disc space from a posterior approach; and
the sleeve includes a cylindrical working channel.

57. The method of claim 56, further comprising:
accessing the disc space at a second location;
inserting a sleeve adjacent the disc space at the second location, the sleeve having a cylindrical working channel extending between a proximal end and a distal end;
preparing a second implant insertion location in the disc space through the sleeve;
providing a second implant having an upper shell, a lower shell, and a spacer between the upper shell and the lower shell;
reducing the height of the second implant between the upper and lower shells; and
inserting the reduced height second implant through the working channel of the sleeve to the second implant insertion location in the disc space.

58. The method of claim 54, wherein the sleeve is a double barrel sleeve having a pair of adjacent working channels.

59. The method of claim 58, wherein providing an implant includes providing the implant with the upper shell and the lower shell, each shell including a pair of partially cylindrical lobes interconnected by an intermediate portion, the implant being configured for insertion through the adjacent working channels of the double barrel sleeve.

60. The method of claim 54, wherein reducing the height of the implant includes compressing the spacer between the upper shell and the lower shell.

61. The method of claim 60, wherein the spacer is elastic.

62. The method of claim 58, wherein reducing the height of the implant includes dehydrating the spacer. --

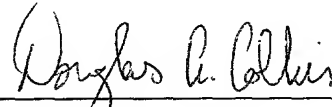
REMARKS

The present application included claims 1-53 as originally filed. In this preliminary amendment, original claims 1-42 have been cancelled without prejudice, and

new claims 54-62 have been added. Claims 43-62 are now pending. Also, the "Cross-Reference to Related Applications" on page 1 has been amended to claim priority to the parent application.

Attached hereto is separate sheet entitled "VERSION WITH MARKINGS TO SHOW CHANGES MADE" indicating the changes made in this amendment. These amendments do not introduce new matter or limit the scope of coverage available under the doctrine of equivalents. Consideration of the present application, as amended, is respectfully requested.

Respectfully submitted:



Douglas A. Collier
Reg. No. 43,556
Woodard, Emhardt, Naughton,
Moriarty & McNett
Bank One Center Tower
111 Monument Circle, Suite 3700
Indianapolis, Indiana 46204-5137
(317) 634-3456

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE SPECIFICATION:

The paragraph on page 1 under the heading "Cross-Reference to Related Applications" was amended as follows:

-- The present application is a divisional application of U.S. Patent Application Serial No. 09/586,308 filed on June 2, 2000, entitled ARTIFICIAL DISC IMPLANT, which claims the benefit of the filing date of Provisional Application Serial No. 60/137,586 filed June 4, 1999, entitled ARTIFICIAL DISC REPLACEMENT. The referenced applications are [application is] incorporated herein by reference in their [its] entirety. --

IN THE CLAIMS:

Claims 1-42 have been cancelled.

Claims 54-62 have been added in this Preliminary Amendment.